

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

In The Matter Of:)	
)	
CECIL PEARSON,)	
)	
Complainant,)	
)	
)	Charge No. 2001CP2936
and)	ALS No. 11922
)	
)	
END ZONE,)	
)	
Respondent.)	

ORDER

May 9, 2005

The Commission by a panel of three:
Commissioners David Chang, Marylee V. Freeman and Yonnie Stroger, presiding.

This matter comes before the Commission pursuant to a Recommended Order and Decision issued by Administrative Law Judge Michael J. Evans and the exceptions filed thereto.

For Complainant: Keenan J. Saulter, Saulter & Beals

For Respondent: Darin R. Doak, Law Offices of Darin R. Doak

Illinois Human Rights Commission: James E. Snyder, General Counsel,
Matthew Z. Hammoudeh, Asst. General Counsel.

On review of Judge Evans' Recommended Order and Decision entered January 10, 2005, the public hearing record and the exceptions filed by the Complainant, the Recommended Order and Decision is SUSTAINED. The complaint in this matter is dismissed in its entirety, with prejudice.

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I. Nature of the Case.

The Complainant, Cecil Pearson, filed a Charge of Discrimination with the Illinois Department of Human Rights alleging that the Respondent, End Zone, a bar, discriminated against him when it banned him from attending the bar on Monday nights.

II. Proceedings.

A public hearing was held on the allegations of the complaint on June 15, 2004.

The Respondent, End Zone, is a bar in Freeport, Illinois and the Complainant, Cecil Pearson, a black male, was a customer in End Zone on January 16, 2001. At approximately 11:00 on the evening of January 16, 2001, the Complainant went to End Zone after work. Approximately 11:45 p.m. on January 16, the Complainant was physically removed from End Zone by the bartender, Eric Wagner, a white male.

The Complainant and Wagner had known each other casually for years. Prior to the January 16 incident, there had been no bad blood between them. Prior to the January 16 incident, the Complainant had been a regular customer at End Zone. When the Complainant attempted to return to End Zone on January 19, 2001, he was met by the owner, Jeff Peterson. Peterson told the Complainant that he could not be at End Zone on Monday nights, because Wagner worked on Monday nights.

Judge Michael J. Evans found that Peterson's attempt to ban the Complainant on Monday nights was an attempt to avoid further confrontations between the Complainant and Wagner. Judge Evans further found that the Complainant failed to prove by a preponderance of the evidence that the Respondent unlawfully retaliated against him when it barred him from its facility. In his Recommended Order and Decision, Judge Evans recommends that the complaint in this matter be dismissed in its entirety, with prejudice.

III. Exceptions.

In reviewing an Administrative Law Judge's Recommended Order and Decision, the Commission does not conduct a de novo review of the evidence; rather, the Commission will adopt the Judge's findings unless they are contrary to the manifest weight of the evidence presented at the hearing. 775 ILCS 5/8A-103(E)(2). The Commission reviews a question of law de novo and is empowered to modify,

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reverse, or sustain the Judge's recommendations in whole or in part. 775 ILCS 5/8A-103(E).

The Complainant has filed exceptions to the Recommended Order and Decision and takes exceptions to Judge Evans finding 1) that the Complainant failed to establish a *prima facie* case of retaliation; 2) that the Respondent articulated a legitimate, non-discriminatory reason for its actions; and 3) that the Complainant failed to prove that the Respondent's articulated reason was a pretext for unlawful retaliation. The Complainant argues that during the public hearing he proved that the Respondent unlawfully barred him from the Respondent's facility for engaging in a protected activity.

After review of the record, the recommendations of the Administrative Law Judge are sustained as they are supported by the manifest weight of the evidence. The Complainant presented Judge Evans with no proof of unlawful retaliation. The Complainant's exceptions offer nothing to cast any doubt on Judge Evans's recommendation. The case is dismissed.

But the Respondent should not be mistaken: The Illinois Human Rights Act prohibits a public accommodation from discriminating on the basis of race, and prohibits retaliation against those who oppose race discrimination. The use of racial derogatory language is an inappropriate means of dealing with any patron, even a patron whose behavior is also inappropriate.

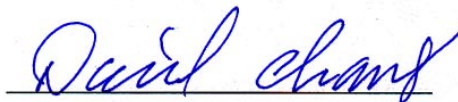
IT IS HEREBY ORDERED THAT:

1. the complaint in this matter is dismissed in its entirety, with prejudice.

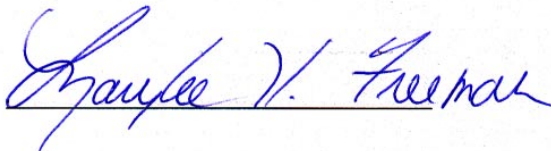
STATE OF ILLINOIS)
HUMAN RIGHTS COMMISSION)

Entered this 9th day of May 2005

Commissioner David Chang



Commissioner Marylee V. Freeman



Commissioner Yonnie Stroger

